

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL S. GORBHEY,)	
)	
Petitioner,)	
vs.)	NO. CIV-13-053-HE
)	
WARDEN, OKLAHOMA TRANSFER)	
CENTER, WARDEN, ATLANTA, GA.)	
TRANSFER CENTER,)	
)	
Respondents.)	

ORDER

Petitioner, Michael S. Gorbey, a federal prisoner appearing *pro se*, filed this action pursuant to 28 U.S.C. § 2241. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell. Judge Purcell ordered petitioner to cure deficiencies in his petition by February 6, 2013, and, upon filing the proper civil rights complaint, to either pay the filing fee in full or submit a motion for leave to proceed *in forma pauperis* with an accompanying brief pursuant to 28 U.S.C. § 1915(g). Petitioner failed to respond to either directive. Judge Purcell has recommended that the petition be dismissed without prejudice for failure to comply with the court's order and for failure to prosecute. Objections to the magistrate judge's report and recommendation were due by March 4, 2013.


Petitioner, having failed to object to the report and recommendation, has waived his right to review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) ("A judge of the court shall make a de novo determination of those portions of the report or specified

proposed findings or recommendations *to which objection is made.*" (emphasis added)).

Accordingly, the Report and Recommendation [Doc. #6] is **ADOPTED** and the petition is **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated this 18th day of April, 2013.



JOE HEATON
UNITED STATES DISTRICT JUDGE